

aged the drug into bottles labeled as above. The consignee also encapsulated some of the bulk powder.

**LIBELED:** 5-9-56, W. Dist. N. Y.

**CHARGE:** 502 (a)—the label of the article, while held for sale, contained the statements, "Highly recommended in Diabetes treatment" and "Manganese Dioxide C. P.," which were false and misleading since the article was not an adequate and effective treatment for diabetes and the article was a technical grade of manganese dioxide.

**DISPOSITION:** 8-28-56. Default—destruction.

**5215. Al-Co-Way Tablets.** (F. D. C. No. 38702. S. No. 28-045 M.)

**QUANTITY:** 66 btls. at Columbus, Ga., in possession of Ernest C. Fokes, t/a Primary Products Co.

**SHIPPED:** During April 1955, from New York, N. Y.

**LABEL IN PART:** (Btl.) "50 Al-Co-Way Tablets Caffeine Citrate And Thiamin Hydrochloride To Discourage Excessive Use of Alcoholic Beverages \* \* \* Dist. By Primary Products Co. Columbus, Ga."

**RESULTS OF INVESTIGATION:** The article was shipped in bulk to Columbus, Ga., and after its receipt it was repackaged and relabeled by the consignee.

**LIBELED:** On or about 11-28-55, M. Dist. Ga.; libel amended on or about 2-15-56.

**CHARGE:** 502 (a)—the statement on the label of the article, while held for sale, namely, "Al-Co-Way Tablets \* \* \* To Discourage Excessive Use Of Alcoholic Beverages" was false and misleading since the statement represented and suggested that the article was an adequate and effective treatment for alcoholism, whereas the article was not an adequate and effective treatment for alcoholism.

**DISPOSITION:** Ernest C. Fokes, as owner of the article, filed an answer denying that the article was misbranded. The Government served written interrogatories upon the owner, and on 4-14-56, the owner filed answers to some interrogatories and objections to the remainder of the interrogatories. A hearing was held on the objections, and on 8-20-56, the court ordered that all objections be sustained, with the exception of the objections relating to two of the interrogatories. The case was tried before the court and jury on 9-12-56, and at the conclusion of the trial, the jury returned a verdict for the Government. On 12-28-56, the court entered a decree ordering the destruction of the article.

**5216. Prof. Black's Honey and Tar Red Pepper and Rum.** (F. D. C. No. 39673. S. No. 47-887 M.)

**QUANTITY:** 38 6-oz. btls. at Sussex, N. J.

**SHIPPED:** 10-4-56, from Middletown, N. Y., by O. C. Prior-King.

**LABEL IN PART:** (Btl.) "Prof. Black's Honey and Tar Red Pepper and Rum."

**LIBELED:** 11-8-56, Dist. N. J.

**CHARGE:** 502 (a)—the bottle label of the article, when shipped, contained false and misleading representations that the article was an adequate and effective treatment for overcoming colds, coughs, sore throat, quinsy, diphtheria, and all throat and lung complaints, and for preventing pneumonia, pleurisy, and consumption.

The libel alleged also that another article. imitation vanilla flavor, was adulterated under the provisions of the law applicable to foods, as reported in notices of judgment on food.

DISPOSITION: 12-11-56. Default—destruction.

5217. N. S. T. skin treatment. (F. D. C. No. 39658. S. No. 56-372 M.)

QUANTITY: 49 4-oz. btls. at Fargo, N. Dak.

SHIPPED: 5-10-56, from Brainerd, Minn., by Northland Pharmacal Co.

LABEL IN PART: (Btl.) "N. S. T." The Universal Skin Treatment Fortified with Lanolin \* \* \* CONTAINS: Glycerin, Boric Acid, and assorted oils & herbs."

RESULTS OF INVESTIGATION: Analysis showed that the article contained borates, tragacanth, glycerin, alcohol, oil of cajeput, and oil of eucalyptol.

LIBELED: On or about 11-7-56, Dist. N. Dak.

CHARGE: 502 (a)—the label of the article, when shipped, contained false and misleading representations that the article was "The Universal Skin Treatment" and was an adequate and effective treatment for eczema, dermatitis, and acne; and 502 (e) (2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient contained therein since the words "assorted oils & herbs" were not the common or usual name of any substance.

DISPOSITION: 12-7-56. Consent—destruction.

5218. Yerba maté. (F. D. C. No. 39308. S. No. 46-779 M.)

QUANTITY: 30 lbs. at Atlantic City, N. J., in possession of J. Gordon & Co.

SHIPPED: 5-21-56, from New York, N. Y.

LABEL IN PART: (Box) "Yerba Mate Toasted Paraguay Tea."

ACCOMPANYING LABELING: Leaflets entitled "J. Gordon's Yerba Tea (Brazilian Tea)."

RESULTS OF INVESTIGATION: The above-mentioned leaflets were printed locally for J. Gordon & Co.

LIBELED: On or about 7-31-56, Dist. N. J.

CHARGE: 502 (a)—the labeling accompanying the article, while held for sale, contained false and misleading representations that the article was effective in the treatment of rheumatism, neuritis, kidney trouble, excess uric acid, gout, neuralgia, diabetes, and nervous ailments, and that it would increase physical strength.

DISPOSITION: 9-12-56. Default—destruction.

5219. Hot-R-Cold Mask and Hot-R-Cold Pak. (F. D. C. No. 38941. S. Nos. 35-911/12 M.)

QUANTITY: 118 devices at Chicago, Ill.

SHIPPED: Between 10-31-55 and 11-22-55, from Quincy, Mass., by Hot-R-Cold Pak, Inc.

LABELING: (Ctn.) "Hot-R-Cold Mask \* \* \* Hot-R-Cold Pak" and "Combination Hot Water Bottle and Ice Pak \* \* \* Hot-R-Cold Pak."

RESULTS OF INVESTIGATION: The *Hot-R-Cold Mask* device consisted of a pliable plastic transparent face mask made so as to cover the upper part of the face with openings for the eyes, and with plastic straps which could be fastened around the back of the head. The mask portion was constructed with an inner chamber which contained a blue-colored liquid.

The *Hot-R-Cold Pak* device consisted of a pliable transparent plastic container in the shape of a rectangle measuring approximately 11 inches by